



## CITY OF DANBURY

155 DEER HILL AVENUE  
DANBURY, CONNECTICUT 06810

ZONING COMMISSION

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### MINUTES

JUNE 27, 2006

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The meeting was called to order by Chairman Jack Knapp Jr. at 7:30 PM.

Present were Theresa Buzaid, Anthony DiCaprio, Ted Farah, Theodore Haddad Jr., Helen Hoffstaetter, Jack H. Knapp, Robert Melillo, and Alternate Victoria Hickey. Also present was Planning Director Dennis Elpern.

Absent were Richard P. Jowdy, Donald Kennedy and Alternates Jean Anderson and Joseph Notaro Jr.

Mr. Farah led the Commission in the Pledge of Allegiance.

Mr. Melillo made a motion to accept the minutes of June 13, 2006. Mr. DiCaprio seconded the motion.

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### PUBLIC HEARINGS:

Petition of 31 South Street Entertainment, Inc. d/b/a BLUU Restaurant, 2 Nabby Rd. (#L08019)  
Special Permit for Restaurant Liquor License.

Chairman Knapp read the legal notice. Attorney Fran Collins spoke in favor of this. He said this building is in the same parking lot as "Discount Liquors". It is a 3,000 sq.ft. building that was formerly used as various retail businesses. He said they have received site plan approval for this specific use. They have plenty of parking on site. Chairman Knapp pointed out that the Commission members had each been provided a copy of the site plan approval letter and the floor plan. Mr. Elpern mentioned that the Zoning Regulations state there must be a separation wall between the bar and the dining room for restaurant liquor licenses. He suggested they might want to change the layout. Attorney Collins said the applicants have the dining areas laid out a specific way since one of the walls will be mostly windows and they want to take advantage of the view. Mr. Elpern also pointed out that the criteria for a restaurant in Sec. 3.F.2.c. is very specific: *"No less than sixty percent of all patron floor space and seats shall be devoted to the consumption of food and beverages in a dining room **separate** from a patron bar. The monthly sale of alcoholic liquor shall not exceed forty percent of the total monthly sales of the restaurant for food and beverages served on the premise."* He suggested the Commission could approve this with a condition that they submit a revised floor plan to the Planning Dept. Attorney Collins said the applicants would agree to that. There was some additional discussion about hours of operation and how the liquor will be stored on the premises. There were no other questions.

Chairman Knapp asked if there was anyone to speak in opposition to this petition and there was no one.

Mr. DiCaprio made a motion to close the public hearing. Mr. Melillo seconded the motion and it was passed unanimously. Ms. Hoffstaetter made a motion to move this matter to number two under Old Business. Mrs. Anderson seconded the motion and it was passed unanimously.

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OLD BUSINESS:

Petition of Fabia Patricia Fernandes d/b/a Arts & Party LLC, 68 Keeler St. (#I14372) for Special Permit for a Restaurant Wine & Beer Permit.

Chairman Knapp said they had closed the public hearing at the June 13, 2006 meeting and they have to make a decision within 65 days which will be by August 17, 2006. He said that eligible to vote on this were Mrs. Buzaid, Mr. DiCaprio, Mr. Farah, Mr. Haddad, Ms. Hoffstaetter, Chairman Knapp, Mr. Melillo & Ms. Hickey. Chairman Knapp asked for comments and/or discussion. Mr. DiCaprio made a motion to approve this with the condition that it be "a service bar only". The reason given for this motion was:

- The proximity of such premises will not have a detrimental effect on any church, school, convent or charitable institution. Nor will it have a detrimental effect on the immediate neighborhood concerned, due consideration having been given to the character of the surrounding neighborhood.

Mr. Farah seconded the motion and it was passed with six AYES (from Mr. DiCaprio, Mr. Farah, Ms. Hoffstaetter, Chairman Knapp, Mr. Melillo, and Ms. Hickey) and two NAYS (from Mrs. Buzaid and Mr. Haddad).

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Petition of 31 South Street Entertainment, Inc. d/b/a BLUU Restaurant, 2 Nabby Rd. (#L08019) Special Permit for Restaurant Liquor License.

Chairman Knapp said they had heard and closed this public hearing earlier in tonight's meeting. He asked for comments and/or discussion. Ms. Hoffstaetter made a motion to approve this petition with the condition that the applicants submit a revised floor plan to the Planning Dept. before the Grant of Special Permit will be issued. The following reason was given for this motion:

- The proximity of such premises will not have a detrimental effect on any church, school, convent or charitable institution. Nor will it have a detrimental effect on the immediate neighborhood concerned, due consideration having been given to the character of the surrounding neighborhood.

Mr. Melillo seconded the motion and it was passed unanimously by roll call vote.

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Chairman Knapp said there was no New Business on this agenda. There was one Cease & Desist Order under Correspondence and the For Reference Only listed the public hearings scheduled for July 11, 2006 and July 25, 2006.

At 9:00 PM, Mr. DiCaprio made a motion to adjourn. Mr. Melillo seconded the motion and it was passed unanimously.